



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: OPR, OPL, MNR.

Introduction:

This was an application by the landlords for an Order for Possession and a Monetary Order pursuant to a Notice to End the Tenancy dated May 29, 2014. Only the landlords attended the application.

Issues:

Are the landlords entitled to an Order for Possession and Monetary Order?

Background and Evidence:

The landlords testified that they sent a 10 Day Notice to End the Tenancy for Non-Payment of rent dated May 29, 2014, 2014 to the tenant by registered mail on June 5, 2014 which was returned to them as unclaimed on June 24, 2014. The landlords testified that they sent the Application for Dispute Resolution by registered mail on June 13, 2014 and it too was returned as unclaimed. The tenancy began on July 1, 2008 with rent in the amount of \$ 525.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 75.00 on July 1, 2008. The landlords testified that the tenant failed to pay rent for April, through August 2014 for a total of arrears amounting to \$ 2,398.00.

Analysis:

Based on the evidence of the landlords I find that the tenant was deemed to have been personally served with a Notice to End Tenancy for non-payment of rent on June 10, 2014. I find that the application for Dispute Resolution was deemed to have been served on June 18, 2014. The tenant has not paid all the outstanding rent on time and have not applied for arbitration to dispute the Notice to End the Tenancy for Non-Payment of rent and are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that

the landlords are entitled to an order for possession effective two days after service on the tenants. I find that the landlords have established a total claim of \$ 2,398.00 however as the landlords had only specified \$ 823.00 on the Application for Dispute Resolution I limit the award inclusive of the filing fee to that amount.

Conclusion:

I have granted the landlords an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I order that the landlords retain the deposit and interest of \$ 176.32 and I grant the landlords an order under section 67 for the balance due of **\$ 646.68** inclusive of the filing fee herein. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible. I grant leave to the landlords to reapply for any other claims such as loss of rent, revenue, or damage to the unit.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 06, 2014

Residential Tenancy Branch

